

FORM TO BE USED BY A PRISONER IN FILING A CIVIL RIGHTS COMPLAINT
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

CLERK
U.S. DISTRICT COURT
DISTRICT OF NEW JERSEY
RECEIVED

Yasin Villafang

2023 NOV 21 A 10:28
COMPLAINT

(Enter above the full name of the plaintiff in this action)

Department of Corrections v. Essex / Union County
Sergeant Navarro # 2793
Officer Perez (male) Lt. Green

Civil Action No. _____

(To be supplied by the Clerk of the Court)

Disciplinary Hearing Officer Zydzik, Union County Sheriff Officer Papas! ^{last name!}

(Enter the full name of the defendant of defendants in this action)

INSTRUCTIONS; READ CAREFULLY

1. This complaint must be legibly handwritten or typewritten, signed by the plaintiff and subscribed to under penalty of perjury as being true and correct. All questions must be answered concisely in the proper space on the form. Where more space is needed to answer any question, attach a separate sheet.
2. In accordance with Rule 8 of the Federal Rules of Civil Procedure, the complaint should contain (1) a short and plain statement of the grounds upon which the court's jurisdiction depends, (2) a short plain statement of the claim showing that you are entitled to relief, and (3) a demand for judgment for the relief which you seek.
3. You must provide the full name of each defendant or defendants and where they can be found.
4. You must send the original and one copy of the complaint to the Clerk of the District Court. You must also send one additional copy of the complaint for each defendant to the Clerk. Do not send the complaint directly to the defendants.
5. Upon receipt of a fee of \$402.00 (a filing fee of \$350.00, and an administrative fee of \$52.00), your complaint will be filed. You will be responsible for service of a separate summons and copy of the complaint on each defendant. See Rule 4, Federal Rule of Civil Procedure.

6. If you cannot prepay the \$402.00 fee, you may request permission to proceed in forma pauperis in accordance with the procedures set forth in the application to proceed in forma pauperis. See 28 U.S.C. §1915. (If there is more than one plaintiff, each plaintiff must separately request permission to proceed in forma pauperis.)

7. If you are given permission to proceed in forma pauperis, the \$52.00 Administrative Fee will not be assessed. The Clerk will prepare and issue a copy of the summons for each defendant. The copies of summonses and the copies of the complaint which you have submitted will be forwarded by the Clerk to the United States Marshal, who is responsible for service. The Marshal has USM-285 forms you must complete so that the Marshal can locate and serve each defendant. If the forms are sent to you, you must complete them in full and return the forms to the Marshal.

QUESTIONS TO BE ANSWERED

1a. Jurisdiction is asserted pursuant to (CHECK ONE)

☒ 42 U.S.C. §1983 (applies to state prisoners)

☐ Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971) and 28 U.S.C. § 1331 (applies to federal prisoners)

If you want to assert jurisdiction under different or additional statutes, list these below:

Title 18: U.S.C 241-242, 8th Amendment, Use of force?
official misconduct / malicious conduct! 10A rules enforced!

1b. Indicate whether you are a prisoner or other confined person as follows:

☒ Pretrial detainee

☐ Civilly-committed detainee

☐ Immigration detainee

☐ Convicted and sentenced state prisoner

☐ Convicted and sentenced federal prisoner

☐ Other: (please explain) _____

2. Previously Dismissed Federal Civil Actions or Appeals

If you are proceeding in forma pauperis, list each civil action or appeal you have brought in a federal court while you were incarcerated or detained in any facility, that was dismissed as frivolous or malicious, or for failure to state a claim upon which relief may be granted. Please note that a prisoner who has on three or more prior occasions, while detained in any facility, brought an action or appeal in a federal court that was dismissed as frivolous or malicious, or for failure to state a claim upon which relief may be granted, will be denied in forma pauperis status unless that prisoner is under imminent danger of serious physical injury. See 28 U.S.C. § 1915(g).

a. Parties to previous lawsuit:

Plaintiff(s): N/ADefendant(s): N/A

b. Court and docket number: _____

c. Grounds for dismissal: () frivolous () malicious
() failure to state a claim upon which relief may be granted

d. Approximate date of filing lawsuit: N/Ae. Approximate date of disposition: N/A

If there is more than one civil action or appeal, describe the additional civil actions or appeals using this same format on separate sheets.

3. Place of Present Confinement? Essex County Correctional Facility / Union County Detainee

4. Parties

(In item (a) below, place your name in the first blank and place your present address in the second blank. Do the same for additional Plaintiffs, if any.)

a. Name of plaintiff: Yasin Villafana

Address: 354 Doremus Ave

Inmate #: 227003786 SBI #548112²C

b. First defendant:

Name: Sergeant Navarro #2793

Official position: Sergeant (First name unknown)

Place of employment: Essex County Department of Corrections

How is this person involved in the case?

(i.e., what are you alleging that this person did or did not do that violated your constitutional rights?)

He forced me to miss court on 10-13-2023, Assaulted (slammed) me using excessive force & denied me access to speak to a Lieutenant about the matter (the chain of command). Then wrote me a false blue sheet to cover up his action.

c. Second defendant:

Name: (First Name unknown male) Officer Perez

Official position: Correctional officer

Place of employment: Essex County Correctional Facility

How is this person involved in the case?

(i.e., what are you alleging that this person did or did not do that violated your constitutional rights?)

He accompanied Sergeant Navarro #2793 in using excessive force, sprayed me with OC Spray, help slam me to the ground and was punching me in the right side of my face.

d. If there are more than two defendants, attach a separate sheet. For each defendant specify: (1) name, (2) official position, (3) place of employment, and (4) involvement of the defendant.

[d. Additional Defendants continued]

Third defendant: ~~Officer~~

Name: Lt. Green

Official position: Lieutenant

Place of employment: Essex County Correctional facility

How is this person involved in the case?

Lt. Green never responded to my request to speak with her about this matter and approved a Blue Sheet without proper investigation, thus violating my rights, ^{and} the purpose of the chain of command.

Fourth defendant:

Name: Sheriff Officer Papas

Official position: Union County Sheriff

Place of employment: Union County Sheriff Department

How is this person involved in the case?

Officer papas ~~is~~ started this situation by starting to force me to miss court.

[2. Addition defendants Continued]

Seventh defendant:

Name: Essex County Department of Correction

Official Position: Harboring agent Essex County Jail

Place of employment: Essex County

How is this person involved in the case?

Are just harassing people without ensuring proper practices or policies are being followed. Do not train officers properly and is a cesspool, and need an internal investigation about what really goes on in here!

5. I previously have sought informal or formal relief from the appropriate administrative officials regarding the acts complained of in the Statement of Claims on page 6.

☒ Yes ☐ No

If your answer is "Yes," briefly describe the steps taken, including how relief was sought, from whom you sought relief, and the results.

I sought to speak to a Supervisor was denied, ask for the camera footage was denied, gave a statement, Filed a appeal to the War was told there isn't one, Told the disciplinary officer Zydzik was ignored, filed an Internal Affairs claim pending.

If your answer is "No," briefly explain why administrative remedies were not exhausted.

N/A

6. Statement of Claims

(State here as briefly as possible the facts of your case. Describe how each defendant violated your rights, giving dates and places. If you do not specify how each defendant violated your rights and the date(s) and place of the violations, your complaint may be dismissed. Include also the names of other persons who are involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach a separate sheet if necessary.)

On 10-13-2023 I was called for Court yet was forced to miss Court because I was assaulted by Sgt. Navarro #2793 and officer Perez. At around 7:45 AM - 8:00 AM I made it down stairs to intake for Court and was told by Union County Sheriff officer Papas I was

late and holding them up I state it's 8am
my court time isn't until 1:30pm. Now
at 1:30pm, the same place with his
partner was gone back and forth
with another inmate when T first
arrived. Officer Pinos began to search
the inmate first and then searched me,
when ask for my sneakers I gave him
my left sneaker and waited to finish being
searched. He then ask for my right sneaker,
while 'holding me' left side in his hand.
I ask him could he drop the sneaker back
on the floor where he pick it up from
and he kept saying no here take it while
holding it. 'Same' then stated 'what worry
with you people' I told him that was
bias and I didn't want to turn around
and reach for anything because of the
high tension and could he just drop it
on the floor. He then stated 'oh, your refusing
court, I told him I wasn't, he stated)
'You want to bet' I told him he
'Can't force me to refuse court and
I didn't consent. This is when Sgt.
Navarro # 2793 who was sitting always
from us, yet behind us jumped out
of his seat and told me I wasn't
going to court go back to my unit.
I again state I had an important

7. Relief

(see attachments)

(State briefly exactly what you want the Court to do for you. Make no legal arguments. Cite no cases or statutes.)

I would like the courts to redress and remedy this situation, investigate, demand retraining and revamping of the Essex/Junior County detaining process and fire those involve to set proper standards, audit the pre-trial detainment process.

[Statement of Claims Continued].] ② of ②

Court date that I could not miss, and I wasn't refusing, nor consenting to missing court! At this time I started walking back to the housing unit, with Sgt. Navarro #2793 and officer Perez (See video footage of the whole encounter). I asked to speak to a Lieutenant and this is when I was grabbed by both arms, Sgt. Navarro #2793 on my left side, and officer Perez on my right and was forced down the intake hallway back towards the housing units. I was pushed through the metal detector, and I again asked for a Lieutenant and not to be grabbed on for no reason. Sgt. Navarro #2793 told me No! Because he was the authority, at which point I stated in a non-threatening manner "I am not stupid I know how the Change of Command works, I'm not like inmates who don't know their rights or 10A You got the right one. I'm not dumb" at which point Sergeant Navarro #2793 stated "I had enough of this grab me from behind Slammed me up against the glass, made a hand gesture to the female officer that was in the control center then him and officer Perez Slamed me to the

Statement of Claims Continued

Two: Did not follow any Notice to Inmate Rights (which I included ^{and} except for a (24) Twenty-Four Hour Notice Alleging Violations)
 Three: Did not allow any review of the video footage which I asked for over and over again.
 Four: Told me it didn't matter what I said the decision he made would have been the same no matter what I said and; Five: Because the Sgt. Backed ~~up~~ the Officer, and the Lt. Backed up the Sergeant. Not to mention he is the Ex-captain of Union County Jail.

The Essex/Union County Department of Corrections violated my right by not properly assuring proper training to their officers and staff, also by not properly investigating matters (policy and practices); Afforded No rights to the inmates that the Disciplinary

Report - inmate's copy of inmate Rights Claims, and has no Appeal answering process, nor a Warden; So even though I filed an appeal it was never addressed. Also this isn't the first time this has happened! An appeal would have been granted off of the fact alone that the inmate rights (such as having evidence or a paralegal presented isn't available) are not given. Please Remedy/Redress

(CJRT)

and Speedy Trial/ Clock (it been 18 months of me just sitting. Fine the Disciplinary ~~officer~~ ^{Hearing} officer Zydzik for he is bias and automatically took the side of the Essex County Department of Correction, and follow ^{not} violated the Notice to Inmate Rights on the Back of the


- c. Disciplinary report - Inmate copy and have ~~inmate~~ ^{inmate} representative assigned to represent Inmates! Request that any evidence or witnesses be allowed to be presented, the right to cross examine be granted, ~~Video~~ ^{Video} footage be reviewed, And a warden hired to make appeals to and to ~~stop~~ ^{Video} Predetermined adjudication
8. Do you request a jury or non-jury trial? (Check only one)

☒ Jury Trial () Non-Jury Trial

Please and Thanks

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 1 day of November, 2023


Signature of plaintiff*

(*EACH PLAINTIFF NAMED IN THE COMPLAINT MUST SIGN THE COMPLAINT HERE. ADD ADDITIONAL LINES IF THERE IS MORE THAN ONE PLAINTIFF. REMEMBER, EACH PLAINTIFF MUST SIGN THE COMPLAINT).